

U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593, (202) 267-1053; or Ms. Gwynneth Radloff, Office of General Counsel, C-50, (202) 366-9305 Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Public Law 104-324 is the Coast Guard Authorization Act of 1996 (the Act). Section 602 of the Act, amends Title 46 by adding sections 3203-3205. Section 3203 requires the Secretary of Transportation to prescribe regulations that establish a safety management system consistent with the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974, as amended (International Safety Management Code). Section 3204 requires the Secretary to review and approve safety management plans. Section 3205 requires the Secretary to issue safety management certificates and documents of compliance, and verify and enforce compliance with the safety management system. This section also requires the Secretary to conduct a study and submit a report to the Congress on the methods that may be used to implement and enforce the International Safety Management Code. This rule amends 49 CFR 1.46 by adding new paragraph (fff) to reflect the delegation of the Secretary's authority under 46 U.S.C. 3202, 3204, and 3205.

Section 603 of the Act (46 U.S.C. 3103), authorizes the Secretary to rely on reports, documents, and records of other persons determined by the Secretary to be reliable, and other methods determined by the Secretary to be reliable, as evidence of compliance with title 46, subtitle II. This rule amends 49 CFR 1.46 by adding new paragraph (ggg) to reflect the delegation of the Secretary's authority under 46 U.S.C. 3103.

Since this amendment relates to departmental management, organization, procedure, and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b). Further, since the amendment expedites the Coast Guard's ability to meet the needs of the U.S. maritime industry, the Secretary finds good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the **Federal Register**.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended to read as follows:

PART 1—[AMENDED]

1. The authority citation for Part 1 continues to read as follows:

Authority: 49 U.S.C. 322; Pub.L. 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

2. Section 1.46 is amended by adding the following paragraphs (fff) and (ggg) to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(fff) Carry out the functions and responsibilities and exercise the authorities vested in the Secretary by 46 U.S.C. 3203-3205 (safety management system, implementation of safety management system, and certification), that pertain to the approval, certification, and enforcement of safety management systems for vessels engaged in foreign trade.

(ggg) Carry out the functions and exercise the authorities vested in the Secretary by 46 U.S.C. 3103 to rely on reports, documents, and records of other persons determined by the Secretary to be reliable, and other methods determined by the Secretary to be reliable, as evidence of compliance with title 46, subtitle II (46 U.S.C. 3103).

Issued at Washington, DC this 15th day of April 1997.

Rodney E. Slater,

Secretary of Transportation.

[FR Doc. 97-10658 Filed 4-23-97; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 30

RIN 1018-AD75

Disposition of Surplus Range Animals

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) revises its regulations pertaining to the disposition of surplus range animals. The Service has determined that this is in line with its general policies on Fenced Animal Management and Collections, Donations and Disposals as outlined in the Service Manual. The Service has further determined that this action is in accordance with the provisions of all

applicable laws, is consistent with principles of sound wildlife management, and is otherwise in the public interest by allowing a broader population base the opportunity to receive surplus animals which can be used for research needs, other educational purposes, biological integrity of herd management and, in some cases, subsistence. In addition, special attention has been afforded to the Native American community in the donation of bison for certain cultural and religious reasons.

DATES: This rule is effective May 27, 1997.

FOR FURTHER INFORMATION CONTACT: Stephen R. Vehrs, 703/358-2397.

SUPPLEMENTARY INFORMATION: The Service is revising and rewording 50 CFR Part 30.2, Disposition of Surplus Range Animals, to allow a broader range of circumstances under which unscheduled donations of surplus animals may occur. The refuge manager is given the authority to determine those "exigent" circumstances. The type of public institution, agency, or government which could qualify as potential recipients of animals is expanded. Donations may be made for specific purposes which are listed in chapter 7, section 13 of the Refuge Manual and include scientific educational purposes, propagation of new free-ranging populations, augmentation of existing herds for genetic purposes, public display exhibition, and food and food products.

Comments Received

Text in this final rule is somewhat different than that used in the proposed rule because it reflects conformity to plain English writing standards.

Because the Service is interested in the concerns of the public in matters of its general management and operations, it requested comments to the proposed rule during a 60 day period. The proposed rule was published in the August 7, 1996, issue of the **Federal Register** (61 FR 41115-41116). Following this comment period, the Service reviewed and considered all substantive comments before promulgating this final rule.

A single letter of comment raised the following points:

1. The final rule should include strong involvement of state and local governments and also support the economics of the areas involved. These are public resources and should be managed for productivity and sustainability; and

2. The surplus animals should only go to a government agency, either Federal,

State, or local; to an approved zoo; or to an Indian tribe. Otherwise they should be sold at auction and any money received applied to the national debt.

In response to the first point, the Service works closely with State and local governments when proposing and carrying out modifications to its refuge management plans. This practice will continue while disposing of surplus range animals. Likewise, the Service recognizes the need to manage these resources for long-term sustainability.

In response to the second point, the final rule provides for donation for specific purposes to the entities referenced and open market sales for other entities. Revenues from the sale of surplus animals by law are not applied to the debt, but are required to be paid to certain counties in accordance with a formula set by the Refuge Revenue Sharing Act (16 U.S.C. 715s) after deducting expenses for sales.

Paperwork Reduction Act

These final regulations have been examined under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) and have been found to contain no information collection requirements.

Economic Effects/Regulatory Flexibility Act Compliance

This rulemaking was not subject to Office of Management and Budget review under Executive Order 12866. In addition, a review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) has revealed that the rulemaking would not have a significant effect on a substantial number of small entities, which include businesses, organizations or governmental jurisdictions. This final rule would have minimal effect on such entities because the regulation has not been significantly changed, but the Service merely expanded it to allow a broader range of agencies and institutions to qualify as recipients of donated surplus animals. The number, age and sex of surplus and donated animals varies from year to year. The number of animals donated reduces the number of animals available for sale. In 1995, the Service had 378 bison and 139 longhorn cattle which the Service designated as surplus animals. Of these, 322 bison (83%) were sold at auction and 56 bison (17%) were donated. All cattle were sold at auction. Buyers primarily purchase animals for breeding and herd augmentation. Animals unsuitable for breeding or herd composition needs, such as old bulls, are purchased for slaughter by meat packing firms. Total revenues from the sales in 1995 were \$418,434. Animals may be donated only for specific

purposes to qualified agencies or institutions. While the number of donations will vary in any given year, the number of animals available for purchase should not be significantly reduced.

Unfunded Mandates Act

The Service has determined and certifies pursuant to the Unfunded Mandates Act, (2 U.S.C. Sec. 1502 *et seq.*), that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities.

Civil Justice Reform

The Department has determined that these final regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

Environmental Considerations

Pursuant to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Secs. 4321–4347), this action falls within a categorical exclusion because it involves issuance of routine, recurring, or special regulations (516 DM 6, Appendix 1.4.H).

Primary Author

Greg Weiler, Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC, is the primary author of this rulemaking document.

List of Subjects in 50 CFR Part 30

Animals, Range management, Wildlife refuges.

Accordingly, part 30 of Chapter 1 of Title 50 of the Code of Federal Regulations is amended as set forth below:

PART 30—RANGE AND FERAL ANIMAL MANAGEMENT

1. The authority citation for part 30 is revised to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 668dd, as amended; 16 U.S.C. 715i, as amended; 41 CFR 101–44.

2. Section 30.2 is revised to read as follows:

§ 30.2 Disposition of surplus range animals.

Disposition shall be made only during regularly scheduled disposal program periods, except in the event of exigent circumstances affecting the animals, their range, or the recipient. The Refuge Manager is responsible for determining the existence of “exigent circumstances.” Surplus range animals may be disposed of, subject to State and Federal health laws and regulations, by

donation for specific purposes to public agencies, public institutions, other governments or charitable institutions, or sold on the open market.

Dated: February 13, 1997.

Don Barry,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 97–10628 Filed 4–23–97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 960429120–6120–01; I.D. 040897A]

Fisheries off West Coast States and in the Western Pacific; Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California; Inseason Adjustments, Cape Falcon, OR, to the Oregon-California Border

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Inseason adjustments; request for comment.

SUMMARY: NMFS announces the April 15, 1997, opening of: Commercial seasons for all salmon except coho in the area from Cape Falcon, OR, to the Oregon-California border; and recreational seasons for all salmon except coho in the area from Cape Falcon, OR to Humbug Mountain, OR. These adjustments are in accordance with the 1996 annual management measures.

DATES: Effective 0001 hours local time, April 15, 1997, through 2359 hours local time, April 30, 1997, in the area from Cape Falcon, OR to the Oregon-California border for the commercial fishery and in the area from Cape Falcon, OR to Humbug Mountain, OR, for the recreational fishery. Comments will be accepted through May 8, 1997.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115–0070. Information relevant to this document is available for public review during business hours at the office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: William L. Robinson, 206–526–6140.